JL: C/A. 75-1996; Tyler/Shea letters; interrogatories 12/23/75

I'm tired from today's third forced walk of close to a half mile and may not recall all I notice and that occurred to me on earlier reading of Shea's 12/23/75. My impression is that it does much more than lay the basis (last sentence) for the waiver of all charges. In fact, if they hold public interest to this extent what is to keep them for misusing what the press won't understand for a grand spectacular. My hunch is that if you have not paid the fee you should. It is included in a check I sent you a while back.

Whether or not you have drafted the interrogatories, I think this is worth a separate letter to Levi or Tyler. What I think should be incorporated follows.

It did not take them three weeks to discover a simple, "perfectly obvious" and, of course, uninteded "error." This followed my written complaints to DJ and the press conference, which received extensive electronic-news coverage in which the "error" not "corrected" until after then was noted. In interrogatories I fear the judge will consider you are arguing. In a letter correcting his, which can be attached, I do not believe the judge would consider you are abusing interrogatories and the same effect can be had. Perhaps better.

This provides a perfect opportunity for what I think should also be included, their failure to respond to my letter pointing out they had not complied with the request and had in fact rewritten it. I'd point out the total absence to this day of any ballistics comparisons between the test-fired bullets and the recovered fragment.

Again the question of the judge's reaction. I opt letter with copies wholesale. (Above all include Conyers, attention Neil Cotler.)

No response on comparison-microscope pictures, minimally required and covered in the request, ~~prominently~~ provided with the non-lethal shell and bolt-face. But missing in the windowsills and muzzle. Note that the papers also say the <u>side</u> of the muzzle yet we have been provided no "rests" or even "raw material" on this.

I think it is important to load it on Levi and Tyler fast, before they get their counter-action launched.

Now that they acknowledge both tests were in the request and both were made, ask why they have not provided the end product, the <u>purpose</u> of the tests, a complete comparison between the recobered fragment and the test bullets and the clothing. Be careful on this. The clothing part refers to lead only. But copper also is missing from Q-64. Or 74. My legs hurt too much to check files. No, 64, as attachments say. Understand that there has to be a reason for their reporting only lead with no measurements or other elements. There is no reasonable doubt that the fragment caused death and ~~xxxxx~~ the missing parts caused the traces on the clothing. So why, when there has to be the kind of reading they supposedly want, do they suppress it? Among the obvious reasons is that these will <u>not</u> stack with the other bullets deposited at the scene. Don't be ~~xxxxxx~~ deceived by the notation attributing to the manufacturer the statement that the control on the lead is not good. It is the trace elements that count in these tests. And now that they have admitted the tests were performed, asked where the complete results were, what any lawyer or prosecutor was going to understand or what any FBI agent would use as the basis of his testimony. They are so vulnerbale here that again I strongly suggest a separate communication with copies at a minimum to Levi, Tyler and Kellet, certified, addressee only, return receipt. Here, outside of court also, we must make them all witting. As they are.

They sayy NAA's were "effected" and this is "perfectly obvious." I would politely day in answer to this argument/propaganda that it also is "perfectly obvious" that they were NOT "released to your client as a result of the letter of December 1, 1975." You might offer She et al a kindness, that they ask the FBI and if they get a contradiction invite us in to explain to them. (There is merit, I think, in all gestures that can be interpreted as offers that cou,d lead to the case not having to go before a judge because they dare not deliver.)

I'd address him in this same ultra-cooperative spirit where he says that what is "recorded on the three other pages of released materials" can really be described as the results of " pectrographic tests." Tell him that if the FBI has told him this to inquire of them as to completeness and if he is reassured to ask them to provide him with the basic scientific literature on the tests, their purposes and how they are recorded and results compiled and written. You could say that if he has a problem getting this from the FBI we are willing to be helpful to him/them because of the statements Mr. Levi has made recently.

It just occurred to me that in a week Chapman is to be here. There can be no answer to interrogatories then. But a carbon of the letter could be quite informative and would certainly help him not be conned by the FBI.

We could carry this further but I recommend against it. I'd be certain to repeat that they have not delivered what I asked and filed for. I'd conclude with a nice, clean and very pointed crack about the first sentence in his last paragraph:"Althought the error would have been caught by anyone with expertise in this area." And then he responds instead of the FBI. He obviously has no expertise. (It would be great if he claimed it after this letter, his personal knowledge and the continued withholding.) I'd tell him that from all that is on TV and in the newspapers, magazines and book we had been led to believe that nowhere - but NOWHERE - is there greater "expertise" than in the FBI, which provided the information. You might want to ask if in the light of this the people in the DJ who are supposed to be making inquiry ought not have other questions about the information the FBI has given them. AND OTHERS,

A little division between DJ and FBI can't hurt and can help. Even DJ.

This whole operation is utterly insane. The apparent possible explanations include the refusal of the FBI to do anything and the recognition of the lawyers that something had to be done before it got before a judge. Crack about do they treat all requests this way and wait so long after public attention to and private complaint before they "rectify" the "obvious" error.

Why did not Wiseman drop you a note? Or others in the FBI/FOIA office? They know that once they get started there is no end for them. Why did Tyler respond instead of FBI/FOIA to begin with? Answer: the FBI's previous experience with us, esp. 75-226 and pur repeated charges of perjury. Still undenied.(Could you use the kind of letter I suggest in that appeal?)

Note that the alleged NAA's, I think more important on the clothing, bear no date and include only one of the admitted nine elements, not the only one in what is called the spectroscopy on the clothing. Note that nothing is signed or initialed and that there is, as you know, the extraordinary delay of two weeks on the first two sheets and an additional three on the third, which bears no heading or identification of any kind. Note that nothing else we have ever been given as an original is marked A,B, andC immediately after the date, that each has had a lab slip here totally missing and that the presence of an extra element in Q64 is entirely missing.

I believe that as this represents a split between FBI and DJ we should exploit it and help widen and harden that split. I do not think any of these new DJ types will want to hurt himself to salvage the FBI. There were, on the political and policy level, then other DJ lawyers. But it was the same FBI. I think it is urgently important to confront these lawyers and DJ on this level now. To make them make their decision before they can shift it to the Assistant U.S.Attorney who handles the case in court.

Now for the real killer. He provide four sheets, three with initials. The other, which illegibly refers to NAA, desoite his "perfectly obvious from one page of the FBI records released to your clients" WAS NOT. I have the orginals now as always as you gave them to me, in a separate file marked "originals." IT IS NOT ONE OF THOSE PAGES.

Divide and conquer. This is new proof the FBI lied to DJ, with the ultimate responsibility Levi's and Tylers. Lay on! Best,